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Public Hearing Date:	March 9, 2004
Land Use Action Date:	May 4, 2003
Board of Aldermen Action Date:	May 17, 2003
90-Day Expiration Date:	June 7, 2004

TO: Board of Alderman

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Robert Merryman, Senior Planner

DATE: March 5, 2004

SUBJECT: Petition #113-04 of DREW HYMAN/RONALD CAHALY FOR ARIN REALTY CO., INC., AGENT FOR NEWTON 70 LANGLEY TRUST for a SPECIAL PERMIT to install a cabinet display case with interior illumination (sign) on the first floor façade at 72-74 LANGLEY ROAD, Ward 6, on land known as Sec 61, Block 38, Lot 2 containing approx. 4,086 square feet of land in a BUSINESS 2 DISTRICT.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen, the Mayor and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The subject property includes a commercial building on a small, 4,086 sq.ft. lot located at the southeast corner of Langley Road and Union Street within the Newton Centre Village Center. The site is improved with a 2 to 3 story, multi-tenant structure with an approximately 3,700 sq. ft. footprint. The commercial building is set back approximately

0.5 ft. from the edge of the Langley Road right-of-way; this façade would contain the subject display case.

The petitioner is a tenant in the basement of the building, which is ½ floor below Langley Road. He is proposing to erect a photography cabinet display case with interior illuminated with overall dimensions of 45 in. (height) by 54 in. (width) with a depth of 4.578 in. The display case would have 16.88 square feet of display area. The petitioner wants to install the display case is to allow for better visibility and identification of the photography business. Because the business is located in the basement of the building, it does not have the typical window display area of a first floor business.

The Chief Zoning Code Official has completed his zoning review of this petition, dated March 3, 2004, (SEE ATTACHMENT “A”).

II. ZONING RELIEF BEING SOUGHT

The petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:

- 1. Section 30-20(l) allows the Board of Aldermen to grant a special permit to allow exceptions to the Sign Ordinance if it is determined that the nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that an exception should be permitted in the public interest; and*
- 2. Section 30-24 for Special Permit Approval.*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board of Aldermen should consider the following:

- Whether the proposed display case (sign) would detract from the visual quality of the Newton Centre Village and/or would adversely affect the Langley Road streetscape; and*
- Whether the proposed display case would contribute to the ease of identification of the*



photography business located at the site and, as such, would be in the public interest.

LANGLEY ROAD FRONTAGE

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The 4,086 sq.ft. site is located at the southeast corner of Langley Road and Union Street, in a Business 2 District. The site is improved with a 2-story structure as viewed from Langley Road and a 3-story structure as viewed from Union Street. The building is currently occupied with various commercial tenants. The existing building is set back approximately 0.5 ft. from Langley Road and 0.48 feet from Union Street and the subject property has no on-site parking. There are 3 building entrances from Langley Road.

Currently there are three awning signs, another display case and a “space for lease” sign (on second floor) all located on the façade of the Langley Road frontage. Planning Department records include an approval for the 2 awning signs that at present identify “BEBE SPA,” however, no records were found for the Historic Homes awning, the Historic Homes display case, nor the lease sign on the second floor. The Union Street frontage contains 3 awning signs, 2 wall signs and a space for lease sign (on second floor façade). There are no current records on these signs either.

Regardless of whether the Board chooses to approve this petition, the petitioner should provide evidence that all existing awnings and signs were properly reviewed and approved by the City.

B. Neighborhood

The property is located in the Newton Centre Commercial Area, within a small Business 2 District on the east side of Langley Road, abutting the Green Line. The immediate area can be characterized as having a mix of office, retail, with residential uses beginning on the south side of the MBTA Green Line. The immediate neighborhood is comprised of smaller one story retail stores to the north and larger 2 story retail/office buildings to the west on Union Street. The closest residential neighborhood starts on the south side of the MBTA tracks, and is predominantly a two-family neighborhood. One-half block to the north and east are several single-family dwellings on Chesley and Dalton Roads, as well as further up Beacon Street.

V. ANALYSIS

A. Technical Considerations

Display cases are not specifically identified anywhere within the Sign Ordinance and therefore there are no specific technical guidelines to apply. The Chief

Zoning Code Official has determined that this would fall under the general requirements of signs. The sign ordinance allows awning signs as-of-right in Business Districts without the need of a permit as long as the lettering does not exceed 20% of the awning.

The subject commercial building located on a corner lot would be allowed 3 sq.ft. of principal wall signage for every foot of wall or 100 sq. ft. of signage for each street. The ordinance further allows a principal sign to be 2 signs not to exceed 100 sq. ft. total on each frontage.

The petitioner should provide adequate information on whether the 6 awnings on the subject building meet the as-of-right requirement. In addition, the petitioner should provide evidence that the existing display case for “Historic Homes” is a legal sign.



EXISTING DISPLAY CASE

B. Display Case

The petitioner is seeking to erect a display case similar to the existing case shown above, and it will be set back approximately 2 inches from the City sidewalk on Langley Road. As proposed, the display case would be an aluminum frame with a glass face and cork board, with room for photographs and the petitioner's name. The display case would be interior illuminated with overall dimensions of 45 in. (height) by 54 in. (width), with a depth of 4.578 in. The display case would total 16.88 square feet of display of (sign) area. The proposed display case would be mounted on a white wall at the center of the building 42" off the ground.

The subject display case was reviewed by the Urban Design and Beautification Commission (UDBC) and the UDBC approved the overall concept of the proposed case and recommended that this be handled as an exception of the Sign Ordinance.

C. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site appears to be an appropriate location for a display case as the building is in an area of high pedestrian traffic and the associated tenant has space in the basement of the building. In our opinion, the existing display case used by “Historic Homes” does not have a negative effect on the streetscape.

2. The use as developed and operated will not adversely affect the neighborhood.

The Langley Road frontage is not overburdened with signage and the existing display case is actually geared towards pedestrians since it is difficult to see from a moving vehicle. This display case should not adversely affect the Newton Centre commercial district or the residential neighborhoods to the south and east, but would provide identification for the photography business, which doesn’t otherwise have a street presence.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

The proposed display case would be set back 2 inches from sidewalk on Langley Road and would not appear to interfere with sight lines or pedestrian traffic.

VI. **SUMMARY**

The subject property is a commercial building on a small lot located at the southeast corner of Langley Road and Union Street within the Newton Centre Village Business District. The commercial building is set back approximately 0.5 ft. from the edge of the Langley Road right-of-way.

The petitioner, a tenant in the basement of the building ½ floor below Langley Road, is proposing to erect a photographers cabinet display case, interior illuminated would total 16.88 square feet of display area.

Prior to the working session the petitioner/property owner should provide evidence that all existing signs and awnings are legal and were properly reviewed and permitted. If any of those signs are illegal, the property owner should remove them or submit appropriate applications for their review.